

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DUMAR JACKSON,

Plaintiff,

v.

9:21-CV-1001
(GTS/ATB)

OFFICER MOORE, Corr. Fac. Ofcr.,
Clinton Corr. Fac.,

Defendant.

APPEARANCES:

OF COUNSEL:

DUMAR JACKSON, 18-A-2746
Plaintiff, *Pro Se*
Five Points Correctional Facility
Caller Box 19
Romulus, New York 14541

HON. LETITIA A. JAMES
Attorney General for the State of New York
Counsel for Defendant
The Capitol
Albany, New York 12224

RACHEL OUIMET, ESQ.
Assistant U.S. Attorney

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* prisoner civil rights action filed by Dumar Jackson (“Plaintiff”) against Correctional Officer Moore (“Defendant”), are (1) Defendant’s motion for summary judgment, (2) United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending that Defendant’s motion be granted and Plaintiff’s Complaint be dismissed, and (3) Plaintiff’s Objection to the Report-Recommendation. (Dkt. Nos. 16, 21, 22.) Because Plaintiff’s one-page (four-sentence) Objection fails to specifically challenge any

portion of the Report-Recommendation, the Court need review that Report-Recommendation for only clear error.¹ After carefully reviewing the relevant filings in this action, the Court can find no clear error in the Report-Recommendation: Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein, and Plaintiff's Complaint is dismissed with prejudice.

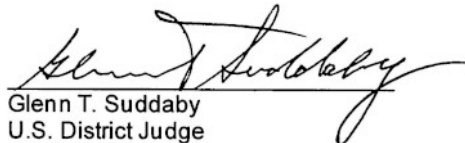
ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 21) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Defendant's motion for summary judgment (Dkt. No. 16) is **GRANTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with prejudice.

Dated: July 24, 2023
Syracuse, New York


Glenn T. Suddaby
U.S. District Judge

¹ When only a *general* objection is made to a portion of a magistrate judge's report-recommendation, the Court subjects that portion of the report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b)(2),(3); Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition; *see also Brown v. Peters*, 95-CV-1641, 1997 WL 599355, at *2-3 (N.D.N.Y. Sept. 22, 1997) (Pooler, J.) [collecting cases], *aff'd without opinion*, 175 F.3d 1007 (2d Cir. 1999). Similarly, when *no* objection is made to a portion of a report-recommendation, the Court subjects that portion of the report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*